

Licensing and Public Safety Committee

Wednesday, 10 March 2010

Present: Councillor Keith Iddon (Chair), Councillor Pat Haughton (Vice-Chair) and Councillors Judith Boothman, Terry Brown, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Hasina Khan, Adrian Lowe, Marion Lowe, Debra Platt, Edward Smith, Ralph Snape, John Walker and Stella Walsh

Also in attendance: Simon Clark (Head of Environment) and Paul Carter (Public Protection Co-ordinator), Alex Jackson (Senior Lawyer) and Tony Uren (Democratic and Member Services Officer).

10.LPS.39 WELCOME

The Chair welcomed everyone present to the meeting, including two observers from the Hackney Drivers' Association Limited.

10.LPS.40 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Thomas McGowan.

10.LPS.41 DECLARATIONS OF ANY INTERESTS

Councillor Hasina Khan declared a prejudicial interest in Agenda Item 7 (Hackney Plate Allocation).

It subsequently transpired that this item was withdrawn from the meeting's agenda.

10.LPS.42 MINUTES

The minutes of the last meeting of the Licensing and Public Safety Committee held on 2 December 2009 were confirmed as a correct record for signature by the Chair.

10.LPS.43 MINUTES OF THE LICENSING SUB-COMMITTEES

The minutes of the meetings of the General Licensing Sub-Committee held on 2 December 2009 and 10 February 2010 were each confirmed as a correct record for signature by the respective Chair.

10.LPS.44 ANNUAL REVIEW OF LICENCE FEES

The Director of People and Places presented a report reviewing the licence fees for which the authority was able to determine and implement in 2010/11.

The report recommended a general increase of around 2% in the Hackney Carriage/Private Hire licence fees (excluding the element of the fees relating to MOT tests), and other miscellaneous fees, outlined in the schedule attached to the submitted report, with effect from 1 April 2010. The Council had no discretion to adjust the fees associated with the Licensing Act 2003 which were fixed by the Government and the report did not propose any revision of the fees for licences issued under the Gambling Act, 2005.

The proposals, if endorsed, would need to be advertised, with any opposing representations being reported to a future meeting for consideration.

One Member opposed the introduction of the higher fees until the taxi trade members had been consulted. The Head of Environment confirmed that the proposals would be discussed at the next Licensing Liaison meeting on 15 March 2010 and that any expressed objections would be assessed along with other representations. The Committee was also reminded that the increase in Hackney Carriage/Private Hire licence fees had been proposed in line with the expectations contained within the Council's budget for 2010/11 agreed at the Council meeting on 2 March 2010.

It was proposed by Councillor Adrian Lowe, seconded by Councillor Magda Cullens, and subsequently **RESOLVED that the revised licence fees and charges, as set out in the appendix to the submitted report, be approved for adoption with effect from 1 April 2010, subject to the required advertising and consideration of any subsequent representations.**

(In accordance with Council Procedure Rule 17.3, Councillor Ralph Snape's vote against the above motion was recorded).

10.LPS.45 TAXI UNMET DEMAND SURVEY

(a) **Representations from Hackney Drivers' Association Ltd**

Prior to the Committee's consideration of two reports of the Director of People and Places on (i) the outcome of the Taxi Unmet Demand Survey undertaken in November 2008 and (ii) the possible allocation of a Hackney Carriage Plate, a letter from the Chairman of the Hackney Drivers' Association Ltd was circulated for Members' attention.

The letter, in particular, referred to the criterion that had been stipulated by the Council that applicants for the currently vacant hackney carriage plate must be residents of Chorley. The Association viewed the criterion as unfair and not transparent and suggested that the later Committee item to consider the allocation of the vacant plate should be withdrawn in advance of a full review of the procedure and criteria for the allocation of the plate.

In response, the Head of Environment reminded the Members that the Licensing and Public Safety Committee at its meeting on 11 March 2009 had granted delegated authority to the Licensing Manager to agree the process for the issuing of the new licence. Consequently, following consultation with the Chair and Vice-Chair, the prerequisite to restrict applications to Borough residents, as a means of assisting Chorley businesses, had been agreed. The Council was legally authorised to fix the parameters of the issuing of hackney carriage licences and the restriction agreed by the authority did not contravene any British or European statute or regulation.

With the consent of the Chair, the Committee Members questioned the Chairman of the Hackney Drivers' Association present at the meeting, who was also allowed to clarify his request.

At the conclusion of the discussions, and after taking account of the Officer's advice, the Chair and Committee members confirmed their satisfaction with the legality and appropriateness of the decision to restrict applications for the issue of the new hackney carriage licence to Chorley residents.

(b) **Taxi Unmet Demand Survey Conclusions**

The Committee considered the report of the Director of People and Places on the conclusions and recommendations arising from the Taxi Unmet Demand Survey undertaken in November 2008.

Following consideration of the available options, the report had recommended the maintenance of the current 37 hackney plate licences. Only 36 hackney carriage licences were currently in operation in the Borough and the view was put forward that there was currently no justification to increase the number of licences to 37.

It was proposed by Councillor Terry Brown, seconded by Councillor Ralph Snape, and subsequently **RESOLVED:**

- (1) **That the number of hackney plate licences issued by the Council be reduced to 36.**

It was also proposed by Councillor Adrian Lowe, seconded by Councillor David Dickinson, and subsequently **RESOLVED:**

- (2) **That a review of the Council's hackney taxi rank provision with regard to disability access issues and locations be undertaken.**
- (3) **That a scheme be implemented to encourage appropriate driver training in customer care through the taxi driver licence regime.**

10.LPS.46 HACKNEY PLATE ALLOCATION

As a result of the Committee's previous decision to reduce the number of hackney plate licences issued in the Borough to 36, the item to consider the allocation of the 37th hackney plate was withdrawn from the agenda.

10.LPS.47 LICENSING AND ENFORCEMENT - SUMMARY OF ACTIVITY

The Committee received and considered a report of the Director of People and Places which summarised the enforcement activity of the Public Protection Team in relation to licensing issues, in addition to licensing applications received and processed by the Neighbourhoods Directorate, during the third quarter period of 2009/10.

A Committee member expressed concern that the compliance checks undertaken by the Public Protection Team had resulted in a significant number of Defect or Suspension Notices being issued, all of which had been complied with within the specified time period. The Chair requested the Officers to introduce a system that would illustrate the degree of seriousness of the vehicle defects revealed on future activity reports.

RESOLVED – That the report be noted.

Chair